

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Sharon Funderburk and)	Case Number 3:15-04660-JMC
Thomas Funderburk)	
)	
Plaintiffs,)	
)	
v.)	
)	
South Carolina Electric and Gas,)	
)	
Defendant.)	
)	

John P. Cantwell,)	Case Number 3:15-04694-JMC
)	
Plaintiff,)	
)	
v.)	
)	
South Carolina Electric and Gas,)	
)	
Defendant.)	
)	

Robert Sherr and)	Case Number 3:15-04695-JMC
Kristi Sherr,)	
)	
Plaintiffs,)	
)	
v.)	
)	
South Carolina Electric and Gas,)	
)	
Defendant.)	
)	

Harry Crosby,) Case Number 3:15-04877-JMC
)
Plaintiff,)
)
v.)
)
South Carolina Electric and Gas,)
)
)
Defendant.)

Leonard Anderson and) Case Number 3:15-04887-JMC
Karen Anderson,)
)
Plaintiffs,)
)
v.)
)
South Carolina Electric and Gas,)
)
)
Defendant.)

Carol Bausinger and) Case Number 3:15-04888-JMC
Scott Bausinger,)
)
Plaintiffs,)
)
v.)
)
South Carolina Electric and Gas,)
)
)
Defendant.)

Christina Boris and) Case Number 3:15-04889-JMC
Glenn Boris,)
)
Plaintiffs,)
)
v.)
)
South Carolina Electric and Gas,)
)
Defendant.)

)

Adair Long, Tony Long and) Case Number 3:15-04890-JMC
Marion Christopher Long,)
)
Plaintiffs,)
)
v.)
)
South Carolina Electric and Gas,)
)
Defendant.)

)

Will Markham,) Case Number 3:15-04891-JMC
)
Plaintiff,)
)
v.)
)
South Carolina Electric and Gas,)
)
Defendant.)

)

Richard Miranda and) Case Number 3:15-04892-JMC
Dorothy Miranda,)
)
 Plaintiffs,)
)
 v.)
)
 South Carolina Electric and Gas,)
)
)
 Defendant.)
 _____)

Calvin Nesbit and) Case Number 3:15-04893-JMC
Jane Nesbit,)
)
 Plaintiffs,)
)
 v.)
)
 South Carolina Electric and Gas,)
)
)
 Defendant.)
 _____)

Harry A. Plexico, Jr. and) Case Number 3:15-04894-JMC
Margaret S. Plexico,)
)
 Plaintiffs,)
)
 v.)
)
 South Carolina Electric and Gas,)
)
)
 Defendant.)
 _____)

Jim Reilly and) Case Number 3:15-04895-JMC
Rachael Reilly,)
)
 Plaintiffs,)
)
 v.)
)
 South Carolina Electric and Gas,)
)
 Defendant.)
 _____)

Carlo J. Seigfried,) Case Number 3:15-04896-JMC
)
 Plaintiff,)
)
 v.)
)
 South Carolina Electric and Gas,)
)
 Defendant.)
 _____)

Faron Warwick and) Case Number 3:15-04897-JMC
Dana Warwick,)
)
 Plaintiffs,)
)
 v.)
)
 South Carolina Electric and Gas,)
)
 Defendant.)
 _____)

Jeanne West,) Case Number 3:15-04898-JMC
)
Plaintiff,)
)
v.)
)
South Carolina Electric and Gas,)
)
)
Defendant.)

)

Chris Williams and) Case Number 3:15-04899-JMC
Catherine Williams,)
)
Plaintiffs,)
)
v.)
)
South Carolina Electric and Gas,)
)
)
Defendant.)

)

Warren Boyeson and) Case Number 3:15-04920-JMC
Christine M. Boyeson,)
)
Plaintiffs,)
)
v.)
)
South Carolina Electric and Gas,)
)
)
Defendant.)

)

Karl Hagenmeyer and) Case Number 3:15-04922-JMC
Willette Hagenmeyer,)
)
 Plaintiffs,)
)
 v.)
)
 South Carolina Electric and Gas,)
)
 Defendant.)
 _____)

John E. Retz,) Case Number 3:15-04923-JMC
)
 Plaintiff,)
)
 v.)
)
 South Carolina Electric and Gas,)
)
 Defendant.)
 _____)

Jesse L. Soles,) Case Number 3:15-04924-JMC
)
 Plaintiff,)
)
 v.)
)
 South Carolina Electric and Gas,)
)
 Defendant.)
 _____)

Lucas J. Snyder and) Case Number 3:15-04926-JMC
Lesley M. Snyder,)
)
 Plaintiffs,)
)
 v.)
)
 South Carolina Electric and Gas and)
 The County of Lexington, South Carolina,))
)
 Defendants.)
 _____)

Demario Benjamin and) Case Number 3:16-01141-JMC
Kerochedia Amaker,)
)
 Plaintiffs,)
)
 v.)
)
 South Carolina Electric and Gas and)
 CSX Transportation Inc.,)
)
 Defendants.)
 _____)

Ann Dennis) Case Number 3:16-01142-JMC
)
 Plaintiff,)
)
 v.)
)
 South Carolina Electric and Gas and)
 CSX Transportation Inc.,)
)
 Defendants.)
 _____)

Richard Green,) Case Number 3:16-01143-JMC
)
Plaintiff,)
)
v.)
)
South Carolina Electric and Gas and)
CSX Transportation Inc.,)
)
Defendants.)
)

Anthony Melton,) Case Number 3:16-01144-JMC
)
Plaintiff,)
)
v.)
)
South Carolina Electric and Gas and)
)
Defendants.)
)

**JOINT STIPULATION ESTABLISHING
ELECTRONIC DISCOVERY PROTOCOL**

AND

ORDER

In accordance with the Rule 26(f) Report submitted by the parties to the Court on July 29, 2016, the parties, after conferring, hereby stipulate as follows regarding the production of electronically stored information (“ESI”) in connection with the above-captioned cases and recommend adoption of this protocol as an Order of the Court:

ESI Discovery Procedures

1. Absent a showing of good cause by the requesting party, the parties shall not be required to modify the procedures used by them in the ordinary course of business to back-up and archive data; provided however, that the parties will take reasonable steps to preserve reasonably accessible documents from custodians and sources they have identified as having relevant information.
2. Search Terms/Date Ranges: In an attempt to minimize e-discovery costs and disputes, the parties will meet and confer and agree upon custodians whose files will be searched, search terms or the use of technology assisted review tools (TAR) to identify the relevant ESI, and the relevant date ranges for all document reviews and productions.
3. A producing party may collect some documents by doing “targeted” collections from custodians or sources based on documents selected by custodians or by collecting folders identified as containing responsive materials. No party has a duty to collect and process all data from certain sources, or to run search terms if such collection, processing and searching creates an undue burden or is not proportional to the needs of the case.
4. De-duplication. The parties may eliminate exact duplicates of ESI during processing across custodial and non-custodial data sources (i.e., global deduplication). ESI duplicates shall be identified by using industry standard MD5, SHA-1, or SHA-256 algorithms only to create and compare hash values for exact matches only.

Privileged Materials

5. With respect to privileged or work-product information generated after the filing of the complaint, parties are not required to include any such information in privilege logs.

6. The parties agree that if e-mail strings are identified as privileged, only the metadata at the top of the string need be included on the log, although the parties agree that if there are any third parties included on any portion of the string withheld, those third parties will be identified in the log entry.

7. The parties agree that this Order is an Order entered under Rule 502(d) of the Federal Rules of Evidence and thus the disclosure of Identified Materials is not a waiver of the privilege in any other federal or state proceeding.

8. The treatment of inadvertently-produced privileged materials is governed by the Confidentiality Agreement and Protective Order, entered by the Court on July 1, 2016.

Format for Document Productions

9. The parties agree that all documents maintained originally in electronic, native format (“ESI”) are to be produced in the format specified in paragraphs 9(a)-(i) below, where it is reasonable to do so.

a. Documents will be provided in single-page 300 dpi CCITT Group IV black and white TIFFs, with page breaks at document end. Each image file will use the Bates number of the page as its unique file name. Original document orientation as displayed in the native file should be maintained in the TIFF image (e.g., portrait to portrait, and landscape to landscape).

b. Excel documents and any other documents that a party identifies as not being reasonably readable (such as Access or Microsoft Project) in TIFF format will be provided in native format with a TIFF placeholder noting the Bates number, confidentiality stamp and the fact that the document is being provided in native format.

c. When Word documents are converted to TIFFs, the version that will be converted is as it was last saved by the custodian. This means that if it was last saved with track changes turned on that the images and metadata will reflect the track changes.

d. The parties will accommodate reasonable requests for production of specific documents in color or in native format where such format is needed to understand relevant information about the document.

e. Database Load Files/Cross-Reference Files. Documents should be provided with (1) a Concordance delimited file and (2) an Opticon delimited file.

Example of Opticon Delimited File:

ABC0000001,ABC001,D:\IMAGES\001\ABC0000001.TIFF,Y,,,3
ABC0000002,ABC001,D:\IMAGES\001\ABC0000002.TIFF,,,,,,
ABC0000003,ABC001,D:\IMAGES\001\ABC0000003.TIFF,,,,,,
ABC0000004,ABC001,D:\IMAGES\001\ABC0000004.TIFF,Y,,,2
ABC0000005,ABC001,D:\IMAGES\001\ABC0000005.TIFF,,,,,,

Example of Concordance Delimited File:

þBegDocþþEndDocþþAttachRangeþþCustodianþ

f. The metadata and other fielded data noted in paragraph (k), below, will be provided in the following format:

- a) fields should be delimited by the default Concordance field delimiter for ANSI character 20 ()
- b) String values within the fields file should be enclosed with a text delimiter (þ)

- c) The first line should contain file metadata headers and other fields and below the first line there should be exactly one line for each document
- d) Each row of metadata and other fields must contain the same number of fields as the header row
- e) Multi-values should be separated by a semicolon (;)

g. Text Files. For each document, a document-level text file should be provided in addition to the TIFFs. The text of native files should be extracted directly from the native file and each text file will be named using its corresponding image files (e.g., ABC0000001.TXT). If text is not available, OCR will be provided unless the document was originally maintained in hard copy or image, nonsearchable format and the producing party has chosen not to OCR the document because the expense is not justified, given the types of documents and utility of the OCR. In that situation, the producing party will produce the document as it was kept in the ordinary course of business, without OCR, and will identify for the receiving party in the production cover letter the Bates numbers of the documents that have not had OCR applied. For redacted documents, OCR will be provided for the un-redacted portions of the documents.

h. Unique IDs. Each image should have a unique file name which will be the Bates number of that page. The Bates number must appear on the face of the image in the lower right corner (e.g., CSX0000001).

i. The following metadata fields will be provided, if reasonably available:

Field Name	Description/ Comments	Fields for ESI and or Hard Copy
Prod Beg Bates	Bates number associated with the first page of a document.	ESI and Hard Copy

Prod End Bates	Bates number associated with the last page of a document.	ESI and Hard Copy
Prod Beg Bates Attach	Beginning bates of the family group	ESI (email)
Prod End Bates Attach	Ending bates of the family group	ESI (email)
Custodian	Specific description of who provided the document. The parties agree that global e-mail searches are acceptable in which designated custodians' e-mails are searched using certain search terms. In the case of global e-mail searches, the custodian field will be populated with "e-mail search," "enterprise vault," or other generic language while the to/from/cc will remain as it was in the native format.	ESI and Hard Copy (excluding global email searches)
DeDuped Custodians	Custodians associated with the de-duped records of this document.	ESI (excluding global email searches)
SUBJECT	Information from the Subject line of the e-mail message.	ESI (email)
FROM	Author of e-mail message	ESI (email)
TO	Recipients of the email message	ESI (email)
CC	Recipient of Carbon Copies of the e-mail message	ESI (email)
BCC	Recipient of blind carbon copies of the e-mail message	ESI (email)
Date Sent	Date and time that the email message was sent	ESI (email)
Date Received	Date and time that the email message was received	ESI (email)
Author	Author of document	ESI
Confidentiality	Confidentiality designation of document	ESI and Hard Copy

10. Databases. Certain types of databases are dynamic in nature and will often contain numerous fields that are neither relevant nor reasonably calculated to lead to the

discovery of admissible evidence, and some file types may not be amendable to conversion into anything meaningful in TIFF format. Thus, a party may opt to produce relevant and responsive information from databases and certain documents in an alternate form, such as a report or data table containing the potentially responsive relevant information. These reports or data tables will be produced in a reasonably useable format such as in native Excel or in a static image format, where reasonably useable.

11. The parties agree to meet and confer prior to producing native file types other than those described in this section.

12. Attachment beginning and ending fields should be provided, thus, parent-child relationships (the association between an attachment and its parent document) must be preserved.

13. If a party has a large volume of hard copy documents and wishes to make the documents available in hard copy format, the party may do so, or the parties may meet and confer about limiting the scope of discovery or other reasonable process.

14. System Files: ESI shall be filtered for file type using an acceptable industry standard exclusion list or process (“Industry Standard”). The parties recognize that to reduce the document review population, additional file types may need to be excluded. If a party plans to exclude from review a file type not within the Industry Standard, that party must disclose such an exclusion to the other party, which will have five (5) business days to object. Any objection not made in this period will be waived. If objections are made, the parties will meet and confer to resolve them.

15. ESI items processed after the execution date of this Production Stipulation and Order shall be processed in a manner that preserves the source native file and metadata without modification, including time, date, and time-zone metadata consistent with the requirements provided herein.

16. Modifications: Any practice or procedure set forth herein may be varied by agreement of the parties, confirmed in writing, where such variance is deemed appropriate to facilitate the timely and economical production of Documents.

It appearing that all parties have agreed to the ESI Protocol set forth hereinabove; **NOW THEREFORE** the Court hereby adopts the protocol for use by all parties in the above-captioned cases.

IT IS SO ORDERED.

s/J. Michelle Childs
J. MICHELLE CHILDS
United States District Judge

Dated: January 19, 2016
Columbia, South Carolina

We So Stipulate:

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